

JUL-23-2007 19:00

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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

Edulji BHARUCHA,

A78-229-257,

ECF Case

Plaintiff-Petitioner,

07 Civ. 5616 (NRB)

-against-

Alberto R. GONZALES, Attorney General;  
 DEPARTMENT OF HOMELAND SECURITY;  
 Michael CHERTOFF, Secretary, Department of  
 Homeland Security; UNITED STATES  
 CITIZENSHIP AND IMMIGRATION  
 SERVICES; Dr. Emilio T. GONZALEZ, Director,  
 United States Citizenship and Immigration  
 Services; Andrea QUARANTILLO, District  
 Director, New York District Office, United States  
 Citizenship and Immigration Services, Federal  
 Bureau of Investigations ("FBI"); Central  
 Intelligence Agency ("CIA");

CONSENT NOTICE OF  
 VOLUNTARY DISMISSAL

Defendants-Respondents.

WHEREAS, on or about June 13, 2007, Plaintiff-Petitioner Edulji Bharucha ("Plaintiff") filed a Complaint and Petition for Writ of Mandamus (the "Petition") in the above-captioned action against Alberto R. Gonzales, Attorney General; the Department of Homeland Security; Michael Chertoff, Secretary, Department of Homeland Security; United States Citizenship and Immigration Services ("USCIS"); Dr. Emilio T. Gonzalez, Director USCIS; Andrea Quarantillo, District Director, New

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York District Office, USCIS; the Federal Bureau of Investigation; and the Central Intelligence Agency (collectively, "Defendants"), seeking, inter alia, a "declar[ation] that [Plaintiff] is entitled to be naturalized";

WHEREAS, on July 23, 2007, USCIS adjudicated Plaintiff's naturalization application and notified him to appear for a Naturalization Oath Ceremony on Friday, August 17, 2007, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, in Room 160, at 9:00 in the morning;

WHEREAS, in light of the foregoing, Plaintiff's Petition is now moot;

WHEREAS, Rule 41(a)(1) of the Federal Rules of Civil Procedure provides that "an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action," Fed. R. Civ. P. 41(a)(1); and

WHEREAS, no answer or other response is due from Defendants in this action until August 13, 2007;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among Plaintiff and Defendants, by their respective counsel, as follows:

1. The Petition is hereby voluntarily dismissed, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, without costs or attorney's fees to any party; and
2. The parties understand and agree that this stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

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Dated: Melville, New York  
July 23, 2007.

DIRAIMONDO & MASI, LLP  
401 Broadhollow Road  
Melville, New York 11747  
ATTORNEY FOR PLAINTIFF

By:

Mo Dell'Orsi

Dated: New York, New York  
July 23, 2007

MICHAEL J. GARCIA  
United States Attorney for the Southern  
District of New York  
ATTORNEY FOR DEFENDANTS

By:

Brian M. FeldmanBRIAN M. FELDMAN  
Assistant United States Attorney

As ordered.

*Karen L. Rizzo-Schwarz, USA*

July 24, 2007